HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1231 of 2005

Appellants	1.	Smt. Kushal Gupta, W/o Late Anand Prasad Gupta, aged about 36 years.
	2.	Sunil, S/o Late Anand Prasad Gupta, aged about 19 years.
	3.	Anil Kumar, S/o Late Anand Prasad Gupta, aged about 17 years (minor).
	4.	Santosh, S/o Late Anand Prasad Gupta, aged about 13 years (Minor). Appellants No. 3 and 4 through their natural guardian Smt. Kushal Gupta, All R/o Village- Natwahi, Tahsil- Sonhat, District- Korea (Chhattisgarh).
	Versus	
Respondents	1.	Smt. Shivrani Gupta, W/o Krishna Chandra Gupta, Resident of Baisagar, Dabripara, Police Station and Tahsil- Baikunthpur, District- Korea (C.G.).
	2.	United India Insurance Company Limited, Branch Office, Near Ram Mandir, Ambikapur, District- Surguja (Chhattisgarh).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Vineet Pandey, Advocate, for the appellants.

Mr. Sri Kumar Agarwal, Advocate for the Respondent No.2.

ORAL ORDER

(20th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. The dependants of the deceased have preferred this appeal for more compensation. It was contended by learned counsel for the appellants that though the M.A.C.T. had taken the age of the deceased as 40 years for the purpose of assessing 'loss of dependency', it has wrongly applied multiplier 10 instead of applying 16. It was also contended that what is awarded towards

'loss of consortium', 'loss of love and affection' and 'funeral expenses' is on lower side. It was also contended that the M.A.C.T. was not justified in not awarding any compensation towards 'loss of estate'. We find force in the contentions of learned counsel.

2. The deceased, according to the M.A.C.T., was aged 40 years on the date of the accident and therefore, the M.A.C.T. ought to have applied multiplier 16. If we apply multiplier 16, total loss of dependency would come to Rs. 2,30,400/-(14,400 x 16). As we are repeatedly held and reiterated that even the compensation awarded by the M.A.C.T. shall reflect time and place and it cannot be static for all the time. In that view of the matter, we award sum of Rs. 20,000/- for 'loss of consortium' to the widow, Rs. 20,000/- for 'loss of love and affection' to the minor children together, and Rs. 5000/- towards 'funeral expenses'. We also award a sum of Rs. 20,000/- towards 'loss of the estate'.

3. In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award passed by the M.A.C.T. , we award total compensation of Rs. 2,95,400 under the following heads:-

Loss of dependency	Rs. 2,30,400/-
Loss of consortium	Rs. 20,000/-.
Loss of love and affection	Rs. 20,000/-.
Funeral expenses	Rs. 5,000/-.
Loss to the estate	Rs. 20,000/-.
Total	Rs. 2,95,400/-

with interest at the rate of 6% per annum from the date of the claim petition till payment.

4. The Insurance Company shall deposit the balance compensation money before the M.A.C.T. within six weeks from today and on such deposit being made, the M.A.C.T. shall disburse/invest the

same in the same proportions as specified by it in the impugned award.

5. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur